

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENVIGO RMS, LLC,

Defendant.

Case No. 6:22-CV-00028-NKM

**JOINT MOTION TO EXTEND TEMPORARY RESTRAINING ORDER AND
CONTINUE PRELIMINARY INJUNCTION HEARING**

The United States of America and Envigo RMS jointly file this motion to extend by 14 days the terms of the temporary restraining order, ECF No. 6, pursuant to Federal Rule of Civil Procedure 65(b)(2), and continue the preliminary injunction hearing scheduled for June 2, 2022, ECF No. 7. The Parties have determined that the best path forward is to work together toward a settlement to address the issues raised in the Complaint and temporary restraining order. The Parties respectfully request a short extension of time to work out the details of their settlement, which will include non-governmental organizations and other third parties.

On May 19, 2022, the United States filed a civil enforcement action against Envigo RMS. ECF No. 1. On that same day, the United States moved for an *ex parte* temporary restraining order. ECF No. 2. The Court issued a temporary restraining order on May 21, 2022. ECF No. 6. Under Rule 65(b)(2), the temporary restraining order is set to expire on June 4, 2022. Rule 65(b)(2) provides that the order may be extended by the Court “for good cause” for a “like period” or for a longer period if the adverse party consents.

Envigo RMS has already relinquished 446 beagles seized pursuant to a search warrant

and determined to be in “acute distress.” And the Parties have been working diligently to develop a plan to resolve this action in its entirety. An extension of the temporary restraining order by 14 days is for good cause to allow the Parties to discuss the remaining outstanding issues and determine whether settlement is possible and to finalize and obtain approval for any settlement. The Parties agree that, at this time, their resources are best devoted to settlement discussions and this may have the potential benefit of conserving the Court’s resources.

The Parties jointly request that the Court extend the terms of the temporary restraining order by 14 days. As part of this extension, the Parties also request that Envigo’s deadline to comply with the following terms be extended by 14 days: 6 (“[a]dd to each enclosure enough food receptacles so that every weaned puppy and dog in the enclosure can access food at the same time”), 7 (“comply with the requirement for flooring provided in 9 C.F.R. § 3.6(a)(2)(x)”), and 8 (“[i]nstall solid partitions between all adjacent enclosures”). In addition, the Parties request that Envigo’s deadline to comply with requirement 9 (“[p]rovide veterinary treatment by a licensed veterinarian, within ten (10) days of receiving field examination forms from the United States”) be extended by an amount of time to be agreed upon by veterinarians for Envigo and the United States.

In light of these developments, the Parties also respectfully request that the Court continue the preliminary injunction hearing until on or around June 13, or such other date as is convenient to the Court. This motion is made in good faith for the purposes of facilitating the efficient resolution of this action and not for purposes of delay.

Respectfully Submitted,

CHRISTOPHER R. KAVANAUGH
United States Attorney

/s/ Anthony P. Giorno
ANTHONY P. GIORNO
First Assistant United States Attorney
Virginia Bar No. 15830

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division

/s/ Mary Hollingsworth
MARY HOLLINGSWORTH
Senior Trial Attorney
Arizona Bar No. 027080
United States Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
999 18th Street, Rm. 370
Denver, CO 80202
Mary.hollingsworth@usdoj.gov
303-844-1898
SHAMPA A. PANDA
Trial Attorney
California Bar No. 316218
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
Shampa.panda@usdoj.gov | 202-598-3799
Fax: 202-305-0275
Attorneys for the United States of America

/s/ Benjamin Razi
BENJAMIN RAZI (D.C. Bar No. 475946)
Covington & Burling LLP
850 Tenth Street, NW
Washington, DC 20001
Telephone: (202) 662-5463
Fax: (202) 778-5463
brazi@cov.com

/s/ John D. Adams
John D. Adams (VSB No. 65203)
Brandon M. Santos (VSB No. 75380)
McGuire Woods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
Telephone: (804) 775-4744
Fax: (804) 698-2061
JAdams@mcguirewoods.com
BSantos@mcguirewoods.com

Counsel for Envigo RMS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will generate automatic service upon on all counsel of record enrolled to receive such notice.

DATE: June 1, 2022

/s/ Mary Hollingsworth
MARY HOLLINGSWORTH